

**IN THE UNITED STATES DISTRICT COURT FOR  
THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:10 CV 264**

**MAX BAILEY; MARGARET DALTON;** )  
**CASEY JOE HUNTLEY, as personal** )  
**representative for the Estate of CARLTON** )  
**BILL HUNTLEY; K.C., by his guardian** )  
***ad litem* Robert C. Carpenter, Esq.; A.D.,** )  
**by her guardian *ad litem* James W.** )  
**Kilbourne, Jr., Esq.; and STEVE** )  
**MARLOWE,** )

**Plaintiffs** )

**v** )

**POLK COUNTY, NORTH CAROLINA,** )  
**POLK COUNTY SHERIFF'S** )  
**DEPARTMENT, MATT PRINCE, TRENT** )  
**CARSWELL, CHRIS ABRIL, CHARLES** )  
**GRADY SHEHAN, UNKNOWN POLICE** )  
**OFFICERS, and OTHER UNKNOWN** )  
**STATE AND FEDERAL LAW** )  
**ENFORCEMENT AGENCIES,** )

**Defendants** )

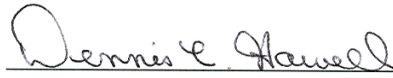
**ORDER**

**THIS MATTER** is before the undersigned pursuant to a filing made by counsel for plaintiffs entitled "Request to Appear by Telephone" (#48) which the undersigned has considered as a motion to continue a hearing that was set in this matter for September 13, 2012 before the undersigned. In the document, plaintiff's counsel states he is involved in state court that will last two weeks and as a result he is not available to have a conference with the Court. The undersigned will consider the request as a motion to continue and will set a hearing in this matter for Friday, September 28, 2012 at 9:30 a.m.

## **ORDER**

**IT IS, THEREFORE, ORDERED** that the undersigned has considered the “Request to Appear by Telephone” (#48) as a motion to continue and will **ALLOW** the motion and the hearing in this matter is reset for **Friday, September 28, 2012** at **9:30 a.m.** in Courtroom #2 in the United States Courthouse in Asheville, North Carolina.

Signed: September 11, 2012

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Dennis L. Howell  
United States Magistrate Judge

